

**EXHIBIT “2”**

IN THE CIRCUIT COURT, NINTH  
JUDICIAL CIRCUIT IN AND FOR  
ORANGE COUNTY, FLORIDA

CASE NO.: 04-CA-007746

FIREMAN'S FUND INSURANCE COMPANY, a  
foreign corporation, a/s/o BASIC RESOURCES, INC.,  
and GEORGE REED, INC., a foreign corporation,

Plaintiffs,

COPY

vs.

GENCOR INDUSTRIES, INC., a foreign corporation,

Defendant.

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS

VOLUME 2 of 8 (Pages 143 - 333)

JURY TRIAL BEFORE  
THE HONORABLE RENEE A. ROCHE  
CIRCUIT COURT JUDGE

\* \* \* \* \*

DATE TAKEN: TUESDAY, JANUARY 23, 2007

TIME: COMMENCED AT 8:30 A.M.  
CONCLUDED AT 5:00 P.M.

PLACE: ORANGE COUNTY COURTHOUSE  
COURTROOM 19C  
ORLANDO, FLORIDA

REPORTED BY: MARY ANN SCHUMACHER, CSR  
Court Reporter and Notary Public

\* \* \* \* \*

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C O N T E N T S

VOLUME 2 of 9

(Pages 143 through 333)

PLAINTIFF'S WITNESSES:

TESTIMONY OF WENDELL REED

By Video Deposition

|                                       |     |
|---------------------------------------|-----|
| Cross Examination by Mr. Evoy         | 146 |
| Redirect Examination by Mr. Derrevere | 156 |
| Recross Examination by Mr. Evoy       | 160 |

TESTIMONY OF CALVIN DIXON

By Video Deposition

|                                    |     |
|------------------------------------|-----|
| Direct Examination by Mr. Murphy   | 164 |
| Cross Examination by Mr. Derrevere | 237 |

TESTIMONY OF LAWRENCE W. TIPTON

By Video Deposition

|                                     |     |
|-------------------------------------|-----|
| Direct Examination by Mr. Derrevere | 273 |
|-------------------------------------|-----|

1 Q. Nine and a half years. Okay.

2 A. I was E5 at the time when I got out. My  
3 title was gas turbine systems technician, electrical.

4 Q. So you got a lot of training while in the  
5 Navy?

6 A. Yes. My first -- after basic training I was  
7 in a school in Great Lakes, Illinois for a year before I  
8 got stationed in Norfolk, Virginia.

9 Q. Okay. And after that school in Great Lakes,  
10 any further formal training while in the Navy?

11 A. Yes. Periodically different training, you  
12 know, sometimes their own base on the ship, sometimes we  
13 may -- we'd go out somewhere for training, but, you know,  
14 periodically different training.

15 Q. Okay. And what kind of things would you do  
16 in that capacity while in the Navy?

17 A. As far as my job?

18 Q. Yes, sir.

19 A. Mostly I worked with control assistance.

20 Q. Okay.

21 A. Controls -- we control gas turbine systems,  
22 generators, many propulsion turbine engines, you know,  
23 all different electrical circuits.

24 Q. Okay. And that was essentially your  
25 full-time job while in the Navy?

1 A. Yes.

2 Q. Okay. And then did you serve overseas any  
3 time?

4 A. Yes, periodically -- different times, during  
5 Desert Storm, served, you know, different times back and  
6 forth overseas.

7 Q. You were a veteran of the Desert Storm  
8 conflict?

9 A. Yes. Yes.

10 Q. Okay. Were you injured during that conflict?

11 A. No.

12 Q. Okay. And then you left the Navy in 1997?

13 A. December of 1997.

14 Q. Okay. Can you just tell us -- bring us up  
15 to what you did after the Navy as far as work wise up  
16 until your employment with Gencor, please.

17 A. Oh, well, I left the Navy December of '97,  
18 middle of December, and the beginning of January came to  
19 Florida to start work with Gencor.

20 Q. Okay.

21 A. So there was only like a two, three-week  
22 span, everybody was right in their holiday time.

23 Q. And Gencor was located where at the time that  
24 you --

25 A. Orlando, Orange Blossom Trail.

1 Q. In Orlando? Okay. And what was your initial  
2 job with Gencor when you began employment?

3 A. Field service technician.

4 Q. And tell me what a field service technician  
5 does.

6 A. We do troubleshooting calls on asphalt  
7 plants. We do startup, setup on asphalt plants, any  
8 troubleshooting, any controls, things like that -- of that  
9 nature.

10 Q. Okay. And how long did you remain in that  
11 position as a field tech?

12 A. The entire time I was with the company.

13 Q. And how many years did you work for Gencor?

14 A. I left in May of 2003.

15 Q. Okay. And under what circumstances?  
16 Voluntary?

17 A. Yeah, voluntary, found another job here --

18 Q. Another job?

19 A. -- in D.C.

20 Q. Okay. And we're up here in Washington, D.C.  
21 to take your statement?

22 A. Correct.

23 Q. And who do you currently work for?

24 A. The D.C. Water and Sewer Authority.

25 Q. And how long have you worked for that

1 **Authority?**

2 A. May of 2003 until now. Still with them  
3 currently.

4 Q. And what do you do for the Authority?

5 A. I'm an instrumentation technician.

6 Q. Okay. What do you do in that capacity?

7 A. Calibration, troubleshooting, electronic  
8 controls.

9 Q. Okay. So basically your entire work career,  
10 including the Navy, has been involved with controls and  
11 these type of systems?

12 A. Yes, sir.

13 Q. Okay. Tell us if you will, generically,  
14 how it would be -- well, let's do this first. With  
15 Gencor what kind of training did they provide you?

16 A. We did in-house training there at the  
17 company in Orlando, but we also did on-the-job training,  
18 went out with other senior technicians when I first  
19 started with them.

20 Q. Okay. And you'd have to go to various plants  
21 and locations?

22 A. Right.

23 Q. And then you'd have the experience doing  
24 that?

25 A. Correct.



1 process down at the end is hot liquid asphalt. It's  
2 injected into these rocks and if there's any moisture in  
3 them, it won't stick to it, you know.

4 So then there is -- it sticks in the drum whereas  
5 liquid asphalt mixes in with this drum, okay, and that's  
6 when asphalt is created. And then it comes out of there  
7 and then it goes up to a silo. That's one process, that's  
8 what we call drum mixing.

9 **Q. Okay.**

10 A. But then another mixing is called batch  
11 mixing, where it does the same thing, it comes into the  
12 drum and it dries, but then it comes out of the drum, no  
13 liquid asphalt yet, and it goes up a tower. And it drops  
14 into what we call a batch tower. And in that batch tower  
15 that's where the liquid asphalt is mixed in with it.

16 **Q. Okay. So when you use the term batch, you**  
17 **referred to what?**

18 A. Batching, basically mixing the materials  
19 mixed up, and then you batch in a certain amount and it  
20 drops through the tower and to a truck.

21 **Q. Okay. As far as we are concerned in this**  
22 **case, when you first arrived -- and let's take a look at**  
23 **your daily reports. Okay. Starting with 1-A, could you**  
24 **tell us the first time that you arrived out at this plant?**

25 A. On April 12, 2001. See here where it says--

1 was traveling from San Jose to Clements so that was the  
2 first day that I was here.

3 Q. Okay. And then essentially just tell the  
4 jury, without reading the entire report, what did you do  
5 on the first day that you were out there?

6 A. The first day it looks like I was working  
7 on a heater, what you call a hot oil heater. It's a  
8 heater that heats oil and it's what keeps -- helps keep  
9 the liquid asphalt hot. Because the stuff, it can't  
10 harden, you know, if it hardens you got problems. So I  
11 was working on that the first day, it looks like. Looks  
12 like that's all I was doing the first day.

13 Q. Okay.

14 A. I was working on their -- oh, I was also  
15 working on the cold feed bids where the rocks are stored,  
16 I was doing some work on those.

17 Q. Okay. Now, at this time, were you working  
18 by yourself as the only Gencor employee out there?

19 A. Yes, I was the only Gencor employee on the  
20 site.

21 Q. Okay. All right. And then the -- the next  
22 day, the next report you have is April 13.

23 A. April 13th.

24 Q. And again, just kind of summarize what you  
25 did that day with --

1           A.   Continued working with the heater.  Pretty  
2 much a lot of that, we were having problems with it, it  
3 looks like.  Back working on the cold bins feeders again.

4           **Q.   Okay.**

5           A.   And it looks like I was working with a -- I  
6 was working with another unit called the bag house, it's  
7 where -- the bag house is where as you're drying this  
8 material, of course you're going to have dust.  So the  
9 dust is sucked out with an exhaust fan and it goes into  
10 this thing called a bag house.  And the dust sticks to  
11 these bags and then they have air that pulses on these  
12 bags and it knocks it down and drags it out through an  
13 auger, as they call it, a thing that screws and pulls the  
14 dust out.  And you actually put it back into the plant  
15 so you're not putting it into the atmosphere or anything,  
16 you're actually recycling it back to the plant.

17          **Q.   Recycling?**

18          A.   So you're always-- you're always using it.

19          **Q.   Okay.**

20          A.   So I was working on that also that day.

21          **Q.   Okay.  Then the next day was April --**

22          A.   April 14, 2001.

23          **Q.   14, okay.**

24          A.   Back working with the hot oil heater again.  
25 And I also worked with the silo a little.  I worked with

1 the conveyers on. And this is the first day I did  
2 anything on -- what I saw here, I was trying to get a  
3 pilot on the burner. So this is the first day I worked  
4 with the burner.

5 **Q. And what were you doing in that regard?**

6 A. Oh, I was just trying to get the pilot light  
7 because when you -- before you can fire the burner, you  
8 have to get a pilot light first, which is a small flame  
9 that ignites the big -- the big flame. It would be just  
10 like a hot oiler heater at --

11 **Q. All right.**

12 A. -- you know, at the house or anything, like a  
13 gas heater at your house and you got a little flame that's  
14 always burning?

15 **Q. Yes.**

16 A. So basically I was trying to get the little  
17 flame burning.

18 **Q. Okay. And then the next day?**

19 A. April 16, 2001. We were working on the  
20 batch tower. I had a problem with a like on the batch  
21 tower, with -- an oil leak.

22 **Q. Okay. Now, where would that be?**

23 A. That would be on the tower, the tall tower  
24 away from the drum and the burner --

25 **Q. Away from it?**

1 A. Right.

2 Q. Away from the fire?

3 A. Right. Okay. And I still was working on  
4 the burner with the pilot light, I still was having  
5 problems with that so I had to change the spark plug. We  
6 used the spark plug for -- for ignition.

7 Q. Okay.

8 A. So I was working with the burner that day and  
9 the hot oil system again, of course, working with --

10 Q. And as you were troubleshooting on April 16,  
11 2001, were you getting these -- these portions of the  
12 plant correct and working?

13 A. Yes, that's what I am doing.

14 Q. Okay. All right. Do you have a report -- I  
15 don't have one, but I don't believe there's one for April  
16 17, 2001.

17 A. I don't know why there's not one, there  
18 should be one.

19 Q. Okay.

20 A. Unless for some reason we didn't work that  
21 day. But I can't recall and, no, I don't have a copy of  
22 it.

23 Q. Okay. You're talking five and a half years  
24 ago?

25 A. Right.

1 Q. Okay. All right. Fair to say you don't  
2 remember the whole specific details of what you did that  
3 day?

4 A. No, I do not.

5 Q. You're relying on your report?

6 A. Right, exactly.

7 Q. And these photographs? Okay. All right.  
8 Let's go to the day of the explosion, April 18, 2001.

9 A. Correct.

10 Q. Okay. Now, you got your report there. I'm  
11 assuming your report was generated after the explosion.

12 A. Right. We always write reports at the end of  
13 the day --

14 Q. At the end of the day.

15 A. -- usually once I get back to my hotel room.

16 Q. Okay. So April 18th would be a recitation or  
17 compilation of your activity at the plant that day, yes?

18 A. Uh-huh.

19 Q. Right? All right. And it says here you got  
20 job time, 11 hours?

21 A. Okay.

22 Q. Now, would that include the time you're  
23 actually at the plant or would that mean the time that  
24 you're --

25 A. That would be time at the plant.

1 Q. At the plant working? Okay. And any idea  
2 what time you would have gotten there that day?

3 A. It's hard to say for now. Six, seven, I  
4 would imagine, with the --

5 Q. In the morning?

6 A. Right.

7 Q. Okay.

8 A. A.M.

9 Q. Okay. And do you recall, Mr. Dixon, the  
10 name of any employees from Basic Resources or George Reed  
11 that you would have been working with?

12 A. No, I can't remember anyone's name.

13 Q. Anybody's name?

14 A. No.

15 Q. Okay. Any managers or supervisors?

16 A. I went to so many plants, I can't remember --  
17 rarely do I remember anyone.

18 Q. How many plants like this had you serviced  
19 during your career at Gencor?

20 A. Well, I can't really give you a number, but  
21 many.

22 Q. Well, for the jury's perspective so they have  
23 an understanding, when you say many, can you give us an  
24 idea; are you talking --

25 A. A hundred.

1 Q. Couple dozen, a hundred?

2 A. Yeah.

3 Q. A hundred?

4 A. Easily a hundred.

5 Q. Okay. And that would be over the period that  
6 you worked at Gencor?

7 A. Yes.

8 Q. Have you worked on these type of plants  
9 since?

10 A. No.

11 Q. Okay. Ever have any problems with an  
12 explosion with any of these other plants you had worked at  
13 at any time?

14 A. Never.

15 Q. Okay. As part of the protocol that you  
16 followed, did you have paperwork or a manual from your  
17 employer, Gencor, at the time that you were following?

18 A. Yes, we have manuals for everything  
19 throughout the plant.

20 Q. Okay. All right. So I want you to take the  
21 jury through -- and I'm going to ask you to refer to your  
22 report, and then we'll look at the pictures to kind of  
23 explain what you did that day, okay?

24 A. Okay.

25 Q. So looking at 4/18/01, tell us what your --



1 you first did there, as per the report.

2 A. Installed timer and wired in for the pulse  
3 purge valve on the hot oil heater. That's the hot oil  
4 heater that I had been working on almost every day.

5 Q. Okay. Now, would that be within these  
6 pictures, that have anything to do with this --

7 A. No, that's -- that's -- that's separate.

8 Q. That's separate, not related?

9 A. Right.

10 Q. Okay. Then what'd you do?

11 A. I said the blower stays on for 15 seconds,  
12 after losing heat, still the hot oil heater.

13 Q. Okay. So again, that has nothing to do --

14 A. Right.

15 Q. All right.

16 A. Align chains on the back -- batch tower mixer  
17 and adjusted the belt tension. That on the tower again,  
18 that's away from it also.

19 Q. Okay.

20 A. Okay. Then the customer had a load of  
21 cutback AC off-loaded into tank number 3.

22 Q. Okay. Explain to the jury what that means in  
23 English.

24 A. That means they got a tanker truck come in  
25 and deliver a load of liquid asphalt. When I say cutback

1 AC, that means Asphalt Cemex, just like tar, black liquid  
2 tar.

3 Q. Okay.

4 A. And so they had a load of that delivered to  
5 the plant.

6 Q. Okay.

7 A. Then it says here, started plant and ran  
8 material into batch tower.

9 Q. All right. Let's focus on that for a second.  
10 Started plant, what does that mean? What did you do?

11 A. That means -- that means starting up  
12 everything, all the motors, everything, got material  
13 running from the bins, conveyer, into the drum, drying  
14 material.

15 Q. So tell the jury as best you can -- you're  
16 doing a great job -- the process. So when you get there  
17 and you start the plant up, what did you have to touch or  
18 activate and what part of the system is activated as you  
19 go through this process to start the plant?

20 A. Well, usually the first thing they we do  
21 is, if I remember correctly, is we start our fans up and  
22 everything.

23 Q. Okay.

24 A. And after we do that, we start the drum  
25 turning.

1 Q. And why do you start a fan?

2 A. Because you have to start those before you  
3 start the burner.

4 Q. Why?

5 A. Because when you start the burner, you have a  
6 flame. And you have exhaust heat, you have to move it and  
7 exhaust it.

8 Q. Okay. So that's the first in the process?

9 A. Uh-huh.

10 Q. Okay. Well, is that a particular button on  
11 the console or --

12 A. Yes, we start -- everything's is started up  
13 on the console.

14 Q. All right. Let's go ahead and take a look  
15 at all these pictures we've identified that would assist  
16 you in telling the jury -- go ahead.

17 A. Okay. The fans and everything would -- would  
18 start here on this panel.

19 Q. Okay. On the back of this, it's Exhibit  
20 Number --

21 A. -- 6.

22 Q. -- 6 you're looking at. Thank you.

23 A. Yes. All the fans and motors and everything  
24 started here. When we got to start to light the burner,  
25 that would be over here (indicating).

1 Q. Okay.

2 A. In this control.

3 Q. So you essentially come in and -- do you  
4 have to wire the electrical system for the fans or are  
5 they already wired?

6 A. They're already wired.

7 Q. All right. Looking at the pictures that  
8 show the circuit board, which I call it the close-up,  
9 Exhibits 10 and 11.

10 A. Okay.

11 Q. Are you able to tell us which ones connect  
12 to the fan end of the blower, and I've got this sort of  
13 schematic to identify --

14 A. I would have to look at the schematic. And  
15 by the schematic, the exhaust fan would be 23 and 24.

16 Q. Okay. So let me -- let me hold this up, and  
17 I'll mark this as the next exhibit in line, I think it's  
18 Number 12.

19 THE COURT REPORTER: Yes.

20 BY MR. MURPHY:

21 Q. So this will be the schematic for the wiring?

22 A. Yes.

23 Q. All right. And then show the jury --

24 A. 23, 24, these two.

25 Q. That would be for the exhaust fan?

1 A. That would be for the exhaust fan.

2 Q. Okay. All right. On the next page, does  
3 this tell you which ones are for the blower?

4 A. Right, the blower is 29 and 30.

5 Q. Okay. We'll show the jury there.

6 A. The two here.

7 Q. Okay. Now, these wires that we're looking  
8 at on Exhibit 10 and 11 --

9 A. Uh-huh.

10 Q. -- do these come pre-wired in the Gencor 3?

11 A. Yes, they come pre-wired on the -- at the  
12 control tower.

13 Q. Okay. So when you're putting on, starting  
14 the process of hitting the button --

15 A. Uh-huh.

16 Q. -- to stop the exhaust, okay, you're  
17 essentially activating 23 and 24?

18 A. Yeah. See, there's a signal --

19 Q. Yes, sir.

20 A. -- that comes from the control.

21 Q. Yep.

22 A. And I can't remember, 23 or 24, whichever  
23 one is speeding, it goes out to the exhaust fan. It would  
24 be 23 -- 23.

25 Q. Okay.

1 A. Okay? And what it does is it goes out to a  
2 switch, and there's a pressure switch. And as the fan  
3 starts up and starts running, it creates pressure. And  
4 once you build up pressure to a certain point, that switch  
5 closes.

6 Q. Okay.

7 A. And when that switch closes, it sends a  
8 signal back, which is to the 120-volt AC. It sends a  
9 signal back so you -- now you've created a circuit.

10 Q. Okay.

11 A. A loop.

12 Q. All right.

13 A. Is what we call it.

14 Q. Okay. Now, at that point in time in this  
15 process when you start up, as you're looking at this  
16 Exhibit here, Exhibit Number 10 --

17 A. Okay.

18 Q. -- looking at number 18 in the middle there,  
19 you see the wire?

20 A. Right.

21 Q. That's not connected?

22 A. Right.

23 Q. So at the point when you first start the  
24 plant up and activated the --

25 A. Burner?

1 Q. -- no, the fans, the exhaust, would 18 have  
2 been connected?

3 A. Yes.

4 Q. It would have been?

5 A. Yes.

6 Q. Okay. And 18 connects to what?

7 A. Fuel valves.

8 Q. Okay.

9 A. Connects to the fuel valves as per a drawing  
10 somewhere.

11 Q. Okay.

12 A. It doesn't show it on this one.

13 Q. Okay. All right. So then getting -- you  
14 can put that down, thank you. As you then start up the  
15 exhaust fans, how long do you do that before you then go  
16 to the next step of running the plant?

17 A. Well, once we do that, the next step is to  
18 get where you start the drum, have it turning. And once  
19 you get that done, that's when you start the burner.

20 Q. Okay. So is there another control, a button  
21 on the control --

22 A. Yes.

23 Q. -- board?

24 A. Let me show it on this one.

25 Q. Exhibit Number 6.

1 A. Six.

2 Q. Okay.

3 A. Like I said before, this is where you start  
4 all the fans and everything, right here.

5 Q. All right.

6 A. But when you getting ready to start the  
7 burner, that's for this control here.

8 Q. On the left-hand side of that picture?

9 A. Yes.

10 Q. Okay. So the next thing you do would be hit  
11 the button there?

12 A. Right.

13 Q. And then a burner starts?

14 A. Right.

15 Q. Okay.

16 A. And we're starting that now so you can what  
17 we call preheat. Okay, so we got to heat everything up,  
18 the bag house, see the exhaust fan's going to be sucking  
19 the air out --

20 Q. It's still working?

21 A. Yes, that's working. And it goes through the  
22 bag house, I don't see a picture of that right now. But  
23 you have to preheat the bag house because as it sits  
24 overnight and different things like that, you're going to  
25 have condensation collected, that's the drum.



1 Q. Okay.

2 A. So you preheat so there will be no moisture  
3 and everything is good and hot before you bring the wet  
4 material in. So that's 15 minutes or so, if I remember  
5 correctly, how much time it took. But as to what it is  
6 at certain temperatures, here you have temperature  
7 indicators.

8 Q. Okay. You're looking at Exhibit Number 6  
9 again.

10 A. Number 6 again.

11 Q. You're looking at the panel in the middle,  
12 right?

13 A. Right.

14 Q. Okay.

15 A. Temperature indicators, and I can't recall  
16 what the temperature is, but I think right above, like 212  
17 degrees I think the temperature has to be, that way, you  
18 know, you're getting all the moisture out. And once you  
19 get the temperature is above a certain point or near, then  
20 you can actually start running the plant.

21 Q. Okay.

22 A. So until that point we're preheating.

23 Q. Okay, you're preheating. All right.

24 A. Right.

25 Q. So that takes us up to this sentence in your

1 **report; correct?**

2 A. Right, I said --

3 **Q. So the plant starts to run, or it was running**  
4 **at that point.**

5 A. Once they start the plant, but I mean it's a  
6 lot of process in starting a plant. Like I said before,  
7 you start the motors and everything. And conveyer belts  
8 are running and heating up, and we got the burner blowing  
9 and preheating and everything, but we're actually not  
10 making asphalt yet until we finish preheating and we start  
11 running the cold feed bins and running the material into  
12 the drum, and now we're making -- now we're starting to  
13 make asphalt. And this particular day we were running it  
14 into the batch tower.

15 **Q. Okay.**

16 A. We ran material into the batch tower. So we  
17 ran the material all the way through the drum, heated it  
18 up, took all the moisture out and the material will come  
19 out nice and hot and go up a tower, up to what we call the  
20 batch tower.

21 **Q. Okay. Let me just see if I got a picture**  
22 **to show the jury just so they have an understanding, okay,**  
23 **watching the testimony. Does this show it?**

24 A. You can see it on this one.

25 **Q. Okay. Well, let's mark that as Exhibit**

1 **Number 13, I believe, please.**

2 A. This here is what a drum --

3 **Q. Again, your hand's in the way so if you'd**  
4 **take it down below, if you can show --**

5 A. Here, this is what a drum would be in a  
6 burner and the drum will be turning.

7 **Q. Okay.**

8 A. And the material will come out and drop down  
9 here at the base of this. And then it -- there's a chain  
10 in here that's turning, and it will take this material and  
11 pull it up.

12 **Q. Okay.**

13 A. Up to here.

14 **Q. All right.**

15 A. And then it would drop it into this tower  
16 here, and this is called a batch tower.

17 **Q. That's the batch tower?**

18 A. That's the batch tower. And then once it  
19 drops in here, that's where the liquid asphalt, as we  
20 called it, would mix in. And once it mixes in here, it's  
21 got a couple places it drops down and then a truck -- as  
22 you can barely see, on this picture is a truck sitting  
23 there. And then the truck will sit under it and it will  
24 open up and drop into the bed of the truck.

25 **Q. Okay. So that gives us an idea of what it**

1 **did the day before the explosion?**

2 A. Right.

3 **Q. Okay. All right. So how long would it have**  
4 **been run at that point; do you have any idea?**

5 A. I don't know how long we had ran it for a  
6 fact. I just say started plant and ran materials, so I'm  
7 not sure how long we ran.

8 **Q. Okay.**

9 A. Or how much we ran, I can't recall.

10 **Q. All right. And then what do you note in your**  
11 **report?**

12 A. It says I had some problems with the AC fuel  
13 valve working --

14 **Q. Okay.**

15 A. -- that would be on that tower.

16 **Q. Okay, the tower that you showed us?**

17 A. Yes.

18 **Q. On Exhibit 13?**

19 A. Yes, that was -- on this tower here.

20 **Q. Okay.**

21 A. And -- and the Gen 3 would not control in  
22 automatic. The Gen 3 would be this burner control here.

23 **Q. Okay, looking at Exhibit number, I believe**  
24 **it's 6?**

25 A. Six.

1 Q. Okay.

2 A. This is the control as far as where we hit  
3 all the buttons and everything, but the actual control  
4 of course is down on the drawer with those boards.

5 Q. The circuit board?

6 A. The circuit boards.

7 Q. Okay.

8 A. So we were having some problems with that.

9 Q. All right.

10 A. Because it says we're not controlling  
11 auto, that means the material should be ran a certain  
12 temperature, and we can put it in auto and then the  
13 control would operate the burner and it would adjust it  
14 as needed to maintain the temperature.

15 Q. Okay.

16 A. But it obviously wasn't working right that  
17 day.

18 Q. All right.

19 A. So we had some problems with it.

20 Q. So what did you do at this point?

21 A. Next it says the discharge temperature also  
22 wasn't reading correctly. And that's where the material  
23 drops out of the drum before it takes it up the long  
24 conveyer.

25 Q. Okay, conveyor belt, okay.

1 A. There's a thermocouple there that reads  
2 temperature, a thermometer.

3 Q. Okay.

4 A. I'll make it easier to say, a thermometer,  
5 we call it thermocouple. It wasn't reading correctly so  
6 it said that he moved the probe to a different position.

7 Q. Okay. So let's -- let's show the jury  
8 another picture and see if that is referring to what you  
9 were referring to before. What is this?

10 A. This is what we call a thermocouple or  
11 thermometer --

12 Q. Okay.

13 A. -- here. And it's got a little sleeve here  
14 where it sticks down into the flow of the material.

15 Q. Now, this is attached to one portion of this  
16 plant?

17 A. This is at the -- do we have another  
18 picture that shows -- I'm trying to see if we can get a  
19 closer look. But it's right where the material -- yes.  
20 All right. It would be located here -- this is the drum  
21 that's turning. And the material would come out here and  
22 I would imagine the other side, because I can't see from  
23 this side.

24 Q. Okay.

25 A. On the other side, it would be right into

1 this little chute here, this --

2 Q. This is where this thermocouple is located?

3 A. Yes, exactly.

4 Q. Okay. So you're having problems with this,  
5 what, giving a correct reading?

6 A. Giving a correct reading. And by here it  
7 says that we moved it to a different position so it  
8 would be in the flow of the material better. So it was  
9 probably positioned wrong because, I mean, these things  
10 are positioned at the factory in Orlando, then shipped out  
11 and sometimes you have to tweak them because they're not  
12 into the flow of the material.

13 Q. Okay.

14 A. So we moved it -- or I had them move it  
15 because, you know, we needed someone to weld and torch.

16 Q. All right.

17 A. I don't do that.

18 Q. And just before we get too further along, I  
19 want to mark the thermocouple here as Number 13 (sic).  
20 If I can borrow my pen there, thank you.

21 A. Okay.

22 Q. And then we'll mark as Exhibit 14 the picture  
23 where you were showing the location of the thermocouple on  
24 the -- on the plant.

25 A. Right.

1 Q. Okay.

2 A. And that's where it's located.

3 Q. All right. Now, who would have made the  
4 change on the thermocouple?

5 A. I would have had someone from the company  
6 do it because there -- I was only the Gencor rep there,  
7 and like I said, I needed someone -- as you can see on the  
8 picture, those burn marks where it was obviously cut and,  
9 you know, then torch and weld.

10 Q. Okay.

11 A. So someone from-- what's the name of the  
12 company -- George Reed would have done that.

13 Q. Okay. And again, you don't have any -- the  
14 identity of anybody you worked it five and a half years  
15 ago?

16 A. I can't recall.

17 Q. Okay. And you don't reference anybody's name  
18 in your reports that I see anywhere, do you?

19 A. No.

20 Q. Okay. All right. So after this was done, it  
21 was placed in a different position so you could read the  
22 temperature?

23 A. Right.

24 Q. All right. Then what happens?

25 A. Next, since the Gen 3 would not run in auto,



1 I set up the control and checked the auto control card --

2 Q. Okay. And let me ask you --

3 A. -- and auto tracking card.

4 Q. I'm sorry. Let me ask you this, what did you  
5 mean when you said the Gen 3 would not run in auto?

6 A. That's what I was saying is there is a  
7 certain temperature the material has to come out of the  
8 drum at. And when you put it in auto, that means the  
9 control is doing it, you sit back and you don't have to  
10 touch anything because if it's in what we call manual,  
11 then you would have to sit there and control a knob and  
12 open and close the burner to control the temperature, you  
13 know, but you would have to watch the temperature gauge  
14 and everything.

15 Q. Okay.

16 A. But when it's in auto, it would do it on its  
17 own.

18 Q. Okay, so it wasn't doing that?

19 A. Right.

20 Q. So what did you do then?

21 A. That's when I set up the cards. I set the  
22 control to check the auto control card and auto tracking  
23 card during the dry run.

24 Q. Okay, looks like about the card -- you set up  
25 the cards. If you can show the jury the cards you're

1 referring to, and then here --

2 A. Here's the one which is the -- no, not --

3 Q. Exhibit number --

4 A. I guess it's 9.

5 Q. It's 9, yes, sir.

6 A. So these would be the cards there. These  
7 cards are, one would be the auto control card and one  
8 would be what I call the auto tracking card.

9 Q. Okay.

10 A. Here is the auto tracking card, I don't  
11 recall which is which.

12 Q. So when you say you set up the control to  
13 check the auto -- central control or card and the auto  
14 tracking card --

15 A. Uh-huh.

16 Q. -- What are you actually talking about, what  
17 are you doing?

18 A. There is a procedure.

19 Q. Okay.

20 A. Part of that Gen control 3 procedure that  
21 tells you to go in, and what you'll do -- and you see like  
22 these knobs here?

23 Q. Yes.

24 A. And these little blue --

25 Q. Okay.

1 A. Those are what they call potentiometers.

2 Q. Let me show them getting on the film-- okay,  
3 yes, go on.

4 A. And there is actually a little screw on the  
5 side of these here. And we'll take a little screwdriver  
6 and we'll adjust them. And I have a meter, a multimeter  
7 taking readings, voltage readings, things like that, and  
8 there are certain parameters there at certain points they  
9 have to be in. So that's what I mean when I say setting  
10 them up.

11 Q. Okay. And that's what you were doing?

12 A. Right.

13 Q. Okay, and then auto tracking card, then a dry  
14 run?

15 A. Right.

16 Q. What's a dry run?

17 A. Dry run is when we are checking this burner  
18 control, but with nothing -- nothing, as in dry, means no  
19 asphalt running, no liquids, no nothing, right.

20 Q. Electricity?

21 A. Yes, you have to have electricity.

22 Q. Okay.

23 A. Right.

24 Q. Just to understand, but there's nothing  
25 running through the machine?

1 A. Right.

2 Q. Okay, tell the jury how you do and set up a  
3 dry run on this machine.

4 A. I can't remember completely to a point  
5 because, you know, there's a procedure that we go by.

6 Q. So there's a procedure you were following?

7 A. Right, it's called the Gen 3 procedure, they  
8 have a dry run procedure or actual dry run procedure.

9 Q. Okay. And would you follow that?

10 A. Yes.

11 Q. Did you follow it?

12 A. Yes.

13 Q. Okay.

14 A. And we'd follow that so long.

15 Q. All right. Tell us as best you can, what you  
16 would do on dry run procedure, please.

17 A. What I can recall, in dry run procedure you  
18 would still, you would jumper -- well, this is sort of --  
19 see if I have it out.

20 Q. All right. And we are looking at-- I  
21 apologize, exhibits in the back?

22 A. This is Exhibit 10?

23 Q. Yes, 10.

24 A. 10.

25 Q. And 11, okay.

1 A. 10 and 11.

2 Q. All right.

3 A. Okay. We would disconnect this wire here,  
4 this is wire 18 for the fuel valves.

5 Q. All right. Tell us how you do that.

6 A. You just take a screwdriver, loosen the  
7 screw.

8 Q. Okay.

9 A. And pull it out.

10 Q. Pull the wire?

11 A. Pull the wire out.

12 Q. And that's controlling the fuel valves?

13 A. Fuel valves.

14 Q. Okay. And why do you disconnect that when  
15 you do a dry run?

16 A. Because you don't want any fuel coming out  
17 because you're going to -- when you do the dry run, you're  
18 going to actually actuate the igniters.

19 Q. Igniters, all right. A flame?

20 A. A flame.

21 Q. So you don't want to have gas there.

22 A. Right.

23 Q. Okay.

24 A. Right, you're going to actuate the spark,  
25 you know, I was saying chain sparkler earlier.

1 Q. I see.

2 A. You're going to actually ignite that, so  
3 that's why you disconnect those wires. And we also put a  
4 jumper on 24.

5 Q. Yes, sir.

6 A. And I think it's 29, 30?

7 Q. Yes?

8 A. So you put a jumper wire here.

9 Q. So here is number 12, so if you need to  
10 refer to that.

11 A. So what we're doing is we're putting the  
12 jumper wire because as you can see, when the fans are  
13 running, the switch closes here and the switch closes  
14 here. But we're doing a dry run so no fans are running,  
15 as per the procedure. So what I do is take a jumper wire,  
16 which is just a wire with alligator clips on each end, and  
17 place one end here for the exhaust fan and one end here on  
18 24.

19 Q. All right. So looking at the other exhibits,  
20 tell us -- the jury what you did.

21 A. I would clip one lead here, okay, and one  
22 lead here.

23 Q. And what are you doing there?

24 A. That's bypassing the switch because the fan  
25 is running.

1 Q. Okay.

2 A. We don't run the fan during a dry run.

3 Q. Okay. So it stops the fan from running?

4 A. No, it doesn't stop the fan from running, it  
5 just lets the burner control think that the fan is  
6 running.

7 Q. Okay.

8 A. All right, otherwise it won't start the  
9 igniter.

10 Q. Okay.

11 A. So that's 23 and 24, which is the exhaust  
12 fan, and we'll do the exact same things for the blower  
13 fan.

14 Q. Okay, which is what numbers?

15 A. 29 and 30.

16 Q. Okay.

17 A. You can see it here, 29 and 30?

18 Q. That's right.

19 A. Here's a switch and these switches we're  
20 talking about are all outside at the fans themselves.

21 Q. Okay.

22 A. Okay.

23 Q. So looking at Exhibit Number 11, that will  
24 show you 29 and 30?

25 A. Right, and they will do the exact same thing

1 as 23 and 24, a jumper wire here at one end, the other one  
2 here.

3 Q. And that's for the burner blower?

4 A. That's for the burner blowers, that's to  
5 control -- makes the controller think that the burner  
6 blower's running.

7 Q. Okay, not talk about the jumper wires, who  
8 provided those, you?

9 A. Yeah, we get them -- Radio Shack or --

10 Q. Okay.

11 A. Wherever you get it from.

12 Q. And how long are these jumper wires?

13 A. You know, five, six inches long.

14 Q. Okay. And you said alligator clip?

15 A. Right.

16 Q. I think a lot of people know what that is,  
17 but for someone who does not know in the jury --

18 A. -- It's -- let's see, the best I can explain  
19 -- just a little clip that you squeeze and has like  
20 little jagged teeth on it. And you squeeze it to open it  
21 and it will just, when you release it, it clamps, sort of,  
22 to have a nice secured connection so it won't fall off.

23 Q. So you would attach it to the screw?

24 A. Right, you would attach it on to the screw.

25 Q. Okay.



1 A. Right.

2 Q. All right, okay. And at that point what  
3 is happening once you've done the jumper wires on 23 and  
4 24 and 29 and 30 and you've disconnected 18 for the fuel  
5 valve?

6 A. We then should have a ready light on the  
7 burner control.

8 Q. Okay.

9 A. Now on top, see, you have lights here.

10 Q. Okay. Exhibit number what, sir?

11 A. This is Exhibit 4.

12 Q. Thank you.

13 A. And you have to have a certain -- certain  
14 lights you have to have on before you can ignite, before  
15 the igniters will work, And one will be -- when you get  
16 the exhaust fan or the burner blower fans working, these  
17 light will come on, okay? And once those lights come on,  
18 you get what they call a ready light that means you can  
19 light the burner.

20 Q. Okay.

21 A. So that's why we put the jumpers in because  
22 the fans are not working, and that's why the procedure to  
23 put those jumpers in.

24 Q. Now, when you've taken and unplugged number  
25 18 from the gas valve --

1 A. Okay.

2 Q. -- are you required to go out to the main gas  
3 valve and shut it off manually?

4 A. As far as I can remember, the procedure  
5 doesn't tell you to do that.

6 Q. Does not tell you?

7 A. Does not.

8 Q. Okay.

9 A. All right.

10 Q. So at this point in time you've followed  
11 protocol?

12 A. Yes.

13 Q. All your procedures?

14 A. Yes.

15 Q. Okay, and you've done this before?

16 A. Yes.

17 Q. On other plants?

18 A. Yes.

19 Q. Same way?

20 A. Same way.

21 Q. Okay. All right. This brings us back down  
22 to your report.

23 A. Yes.

24 Q. Okay.

25 A. It says, no fans or pumps were running in

1 **Reed Basic Resources?**

2 A. No.

3 Q. That's totally outside what you did?

4 A. Correct.

5 Q. All right. And it's my understanding, and  
6 tell me if I'm wrong, that Gencor would sell these parts  
7 to a purchaser like Basic Resources or George Reed,  
8 somebody would put it together and then if there were  
9 problems that needed to be handled, troubleshoot, you  
10 would come out to handle it; is that fair?

11 A. Sometimes I would do that in that manner.  
12 But then sometimes, like here for example, they would  
13 buy the equipment and then we would come out to do the  
14 start-up. Not that there was a problem, it's just that  
15 it was new equipment and it needed to be started up.

16 Q. Okay, so was this plant essentially  
17 completely built and you were coming out to do the  
18 start-up?

19 A. Right.

20 Q. Okay. I've got marked as Exhibit Number 16  
21 a service call report from John Craigo that's dated April  
22 the 6th, 2001, and I'm interested to find out if you'd  
23 have -- you have ever seen that document before.

24 A. I can't say that I have for a fact.

25 Q. Take a quick look and familiarize yourself